



DOCKET NO. 73933

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jean E.F. Rivier et al.  
Serial No.: 10/763,935  
Filed: January 22, 2004  
For: CRFR1 SELECTIVE LIGANDS  
Group Art  
Unit: 1646  
Examiners: TBD

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

5-21-04 Karin E. Harden  
Date Karin E. Harden

RESPONSE TO OBJECTION REGARDING SEQUENCE LISTING REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Reconsideration of the paragraph in the Notice to File Missing Parts regarding the lack of a Sequence Listing in respect of the above-identified application is respectfully requested.

So far as Applicants are aware, the USPTO rules have not been recently changed, and pursuant to 37 CFR §1.821(a)(2), amino acid sequences containing D-isomer amino acids are not required to be exemplified by sequence listings. See the following sentence: "Those amino acid sequences containing D-amino acids are not intended to be embraced by this definition."

The specification of the above-identified application and the claims have been reviewed, and it has been ascertained that every amino acid sequence in the application contains a D-isomer in at least the 12-position of the sequence. In this respect, attention is directed, for example, to page 7, line 35; page 8, line 16; and page 10, lines 13, 20 and 28-32.

For the Examples, see page 15, lines 3-5; page 18, lines 9-11 and 21-23; and page 19, lines 4, 13, 22 and 31, etc., all of which contain D-Phe.

This likewise holds true for Examples 3F through 6E, all of which include D-Phe.

It is noted that, with respect to U.S. Patent No. 5,750,499 to Hoeger et al., it was unnecessary to file a sequence listing in a parallel situation wherein all of the amino acid sequences contained a D-isomer in the 8-position.

In view of the foregoing, it is respectfully requested that the objection to the application for failure to include an amino acid sequence listing should be reconsidered and withdrawn.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

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